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UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/998,333	12/03/2001	Kathleen D. Danenberg	11220/146

CONFIRMATION NO. 5598

 23838  
 KENYON & KENYON  
 1500 K STREET, N.W., SUITE 700  
 WASHINGTON, DC 20005

## FORMALITIES LETTER



\*OC000000007255228\*

Date Mailed: 01/03/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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*A copy of this notice MUST be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



#3

**PATENT**  
Docket No. 11220/146

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Kathleen D. Danenberg  
SERIAL NO. : 09/998,333  
FILED : December 3, 2001  
FOR : METHOD OF DETERMINING A CHEMOTHERAPEUTIC  
REGIMEN BY ASSAYING GENE EXPRESSION IN  
PRIMARY TUMORS  
GROUP ART UNIT : 1645  
EXAMINER : Unassigned

Assistant Commissioner for Patents  
Washington, D.C. 20231  
**Box SEQUENCE**

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825**

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. §1.821(g), does not include new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and

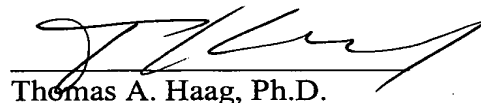
STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825  
U.S. Patent Application Serial No. 09/998,333

3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

The Commissioner is authorized to charge the required Small Entity fee in the amount of \$55.00 to Deposit Account No. 11-0600. The Commissioner is further authorized to charge any additional fees or credit any overpayments arising from the filing of this communication to Deposit Account No. 11-0600.

Respectfully submitted,  
KENYON & KENYON

Date: March 8, 2002

  
Thomas A. Haag, Ph.D.  
(Reg. No. 47,621)

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Washington, D.C. 20005  
Tel. (202) 220-4200  
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sector #4  
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PATENT  
Docket No. 11220/146

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Kathleen D. Danenberg  
SERIAL NO. : 09/998,333  
FILED : December 3, 2001  
FOR : METHOD OF DETERMINING A CHEMOTHERAPEUTIC  
REGIMEN BY ASSAYING GENE EXPRESSION IN  
PRIMARY TUMORS  
GROUP ART UNIT : 1645  
EXAMINER : Unassigned

Assistant Commissioner for Patents  
Washington, D.C.

**REPLY TO NOTICE TO FILE MISSING PARTS  
DATED JANUARY 3, 2002**

**AND**

**REQUEST FOR ONE-MONTH EXTENSION OF TIME  
PURSUANT TO 37 C.F.R. 1.136(a)**

Sir:

Enclosed herewith are the following:

- (1) Copy of Notice to File Missing Parts of Nonprovisional Application, dated January 3, 2002;
- (2) Declaration and Power of Attorney, executed by Kathleen D. Danenberg; and
- (3) Sequence Listing in paper and computer readable form; Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825

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RESPONSE TO NOTICE TO FILE MISSING PARTS  
U.S. Application Serial No. 09/998,333

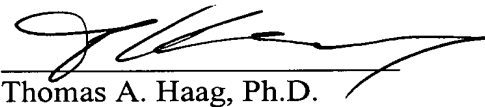
The Commissioner is hereby authorized to charge the fee in the amount of \$65.00 for filing the executed Declaration at a date later than the filing date of the Application (37 C.F.R. §1.16(e) to Deposit Account No. 11-0600.

Applicant respectfully requests a one-month extension of time in which to respond to the Notice to File Missing Parts mailed January 3, 2002, for which a two-month response period expiring on March 3, 2002 was set. The extended response period expires on April 3, 2002.

The Commissioner is authorized to charge the required Small Entity fee in the amount of \$55.00 to Deposit Account No. 11-0600. The Commissioner is further authorized to charge any additional fees or credit any overpayments arising from the filing of this communication to Deposit Account No. 11-0600.

Respectfully submitted,  
KENYON & KENYON

Date: March 8, 2002

  
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